

**Attachment #7**

**CBC CHAPTER 34  
EXISTING STRUCTURES**

**3401.4 (CBC 310.16) [For SFM] Existing Group R, Division 3 Occupancies.**  
For smoke alarm requirements in existing buildings see Section 907.2.10.5.

**CHAPTER 9  
FIRE PROTECTION SYSTEMS**

**907.2.10.5 (CBC 310.16) [For SFM] Existing Group R, Division 3 Occupancies.**

**907.2.10.5.1(CBC 310.16.1) [ For SFM] Existing Buildings housing Group R, division 3 Occupancies established prior to the effective date of these regulations may have their use continued if they conform or are made to conform to provisions of these regulations to the extent that reasonable and adequate life safety against the hazards of fire, panic and explosion is substantially provided. Additional means of egress, the installation of automatic sprinkler systems, automatic fire alarm system or other life safety measures, may be required to provide reasonable and adequate safety.**

Note: It is the intent of this sections that every existing occupancy need not mandatorily conform with the requirements for new construction. Reasonable judgment in the application of requirements must be exercised by the enforcing agency.

**907.2.10.5.1.2 [ For SFM ] For purpose s of clarification, Health and Safety Code section 13113.7 is repeated.**

**(a) Except as otherwise provided in this section, a ~~smoke detector~~ smoke alarm, approved and listed by the State Fire Marshal pursuant to Section 13114, shall be installed, in accordance with the manufacturer's instructions in each dwelling intended for human occupancy within the earliest applicable time period as follows:**

**(1) For all dwelling units intended for human occupancy, upon the owner's application on or after January 1, 1985, for a permit for alterations, repairs, or additions, exceeding one thousand dollars (\$1,000).**

**(2) For all other dwelling units intended for human occupancy on or after January 1, 1987.**

**However, if any local rule, regulation, or ordinance, adopted prior to the compliance dates specified in paragraphs (1) and (2) requires installation in a dwelling unit intended for human occupancy of ~~smoke detectors~~ smoke alarms which receive their power from the electrical system of the building and requires compliance with the local rule, regulation, or ordinance at a date subsequent to the dates specified in this section, the compliance date specified in the rule, regulation, or ordinance shall, but only with respect to the dwelling units specified in this section, take precedence over the dates specified in this section.**

The State Fire Marshal may adopt regulations exempting dwellings intended for human occupancy with fire sprinkler systems from the provisions of this section, if he or she determines that a ~~smoke detector-smoke alarm~~ is not reasonably necessary for fire safety in the occupancy.

Unless prohibited by local rules, regulations, or ordinances, a battery-operated ~~smoke detector-smoke alarm~~, which otherwise meets the standards adopted pursuant to Section 13114 for ~~smoke detectors-smoke alarms~~, satisfies the requirements of this section.

(b) "Dwelling units intended for human occupancy," as used in this section, includes a duplex, lodging house, apartment complex, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit of a multiple-unit dwelling complex. For the purpose of this part, "dwelling units intended for human occupancy" does not include manufactured homes as defined in Section 18007, mobilehomes as defined in Section 18008, and commercial coaches as defined in 18001.8.

(c) The owner of each dwelling unit subject to this section shall supply and install ~~smoke detectors-smoke alarms~~ required by this section in the locations and in the manner set forth in the manufacturer's instructions, as approved by the State Fire Marshal's regulations. In the case of apartment complexes and other multiple-dwelling complexes, a ~~smoke detector-smoke alarm~~ shall be installed in the common stairwells. All fire alarm warning systems supplemental to the ~~smoke detector-smoke alarm~~ shall also be listed by the State Fire Marshal.

(d) A high rise structure, as defined in subdivision (b) of Section 13210 and regulated by Chapter 3 (commencing with Section 13210), and which is used for purposes other than as dwelling units intended for human occupancy, is exempt from the requirements of this section.

(e) The owner shall be responsible for testing and maintaining detectors in hotels, motels, lodging houses, and common stairwells of apartment complexes and other multiple dwelling complexes.

An owner or the owner's agent may enter any dwelling unit, efficiency dwelling unit, guest room, and suite owned by the owner for the purpose of installing, repairing, testing, and maintaining single station ~~smoke detectors-smoke alarms~~ required by this section. Except in cases of emergency, the owner or owner's agent shall give the tenants of each such unit, room, or suite reasonable notice in writing of the intention to enter and shall enter only during normal business hours. Twenty-four hours shall be presumed to be reasonable notice in absence of evidence to the contrary.

The ~~smoke detector-smoke alarm~~ shall be operable at the time that the tenant takes possession. The apartment complex tenant shall be responsible for notifying the manager or owner if the tenant becomes aware of an inoperable ~~smoke detector-smoke alarm~~ within his or her unit. The owner or authorized agent shall correct any reported deficiencies in the ~~smoke detector-smoke alarm~~ and shall not be in violation of this section for a deficient ~~smoke detector-smoke alarm~~ when he or she has not received notice of the deficiency.

(f) A violation of this section is an infraction punishable by a maximum fine of two hundred dollars (\$200) for each offense.

(g) This section shall not affect any rights which the parties may have under any other provision of law because of the presence or absence of a ~~smoke detector-smoke alarm~~.

(h) This section shall not apply to the installation of ~~smoke detectors-smoke alarms~~ in single-family dwellings or factory-built housing which is regulated by Section 13113.8, as added by Assembly Bill No. 2285 of the 1983-84 Regular Session.

**907.2.10.5.3 [ For SFM ]** For purposes of clarification, Health and Safety Code section 13113.8 is repeated.

(a) On and after January 1, 1986, every single-family dwelling and factory-built housing, as defined in Section 19971, which is sold shall have an operable ~~smoke detector-smoke alarm~~. The detector shall be approved and listed by the State Fire Marshal and installed in accordance with the State Fire Marshal's regulations. Unless prohibited by local rules, regulations, or ordinances, a ~~battery-operated smoke detector-smoke alarm~~ shall be deemed to satisfy the requirements of this section.

(b) On and after January 1, 1986, the transferor of any real property containing a single-family dwelling, as described in subdivision (a), whether the transfer is made by sale, exchange, or real property sales contract, as defined in Section 2985 of the Civil Code, shall deliver to the transferee a written statement indicating that the transferor is in compliance with this section. The disclosure statement shall be either included in the receipt for deposit in a real estate transaction, an addendum attached thereto, or a separate document.

(c) The transferor shall deliver the statement referred to in subdivision (b) as soon as practicable before the transfer of title in the case of a sale or exchange, or prior to execution of the contract where the transfer is by a real property sales contract, as defined in Section 2985. or purposes of this subdivision, "delivery" means delivery in person or by mail to the transferee or transferor, or to any person authorized to act for him or her in the transaction, or to additional transferees who have requested delivery from the transferor in writing. Delivery to the spouse of a transferee or transferor shall be deemed delivery to a transferee or transferor, unless the contract states otherwise.

(d) This section does not apply to any of the following:

(1) Transfers which are required to be preceded by the furnishing to a prospective transferee of a copy of a public report pursuant to Section 11018.1 of the Business and Professions Code.

(2) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in the administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain, or transfers resulting from a decree for specific performance.

(3) Transfers to a mortgagee by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation

secured by a mortgage, or transfers by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale.

(4) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(5) Transfers from one coowner to one or more coowners.

(6) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.

(7) Transfers between spouses resulting from a decree of dissolution of a marriage, from a decree of legal separation, or from a property settlement agreement incidental to either of those decrees.

(8) Transfers by the Controller in the course of administering the Unclaimed Property Law provided for in Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

(9) Transfers under the provisions of Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.

(e) No liability shall arise, nor any action be brought or maintained against, any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow, for any error, inaccuracy, or omission relating to the disclosure required to be made by a transferor pursuant to this section.

However, this subdivision does not apply to a licensee, as defined in Section 10011 of the Business and Professions Code, where the licensee participates in the making of the disclosure required to be made pursuant to this section with actual knowledge of the falsity of the disclosure.

(f) Except as otherwise provided in this section, this section shall not be deemed to create or imply a duty upon a licensee, as defined in Section 10011 of the Business and Professions Code, or upon any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow, to monitor or ensure compliance with this section.

(g) No transfer of title shall be invalidated on the basis of a failure to comply with this section, and the exclusive remedy for the failure to comply with this section is an award of actual damages not to exceed one hundred dollars (\$100), exclusive of any court costs and attorney's fees.

(h) Local ordinances requiring ~~smoke detectors~~ smoke alarms in single-family dwellings may be enacted or amended. However, the ordinances shall satisfy the minimum requirements of this section.

(i) For the purposes of this section, "single-family dwelling" does not include a manufactured home as defined in Section 18007, a mobilehome as defined in Section 18008, or a commercial coach as defined in Section 18001.8.

(j) This section shall not apply to the installation of ~~smoke detectors~~ smoke alarms in dwellings intended for human occupancy, as defined in and regulated by Section 13113.7 of the Health and Safety Code, as added by Senate Bill No. 1448 in the 1983-84 Regular Session.

**Purpose/Rationale:**

(S)This provision exists in the 2001 California Building Code and has been identified as a statutory requirement to be carried forward. The language has been updated to reflect the more current term “smoke alarm” in lieu of the existing “smoke detector”.

The following text from H&S Code Section 13113.7 (a) 2 was added since it was not transcribed into the 2001 CBC. “.. The State Fire Marshal may adopt regulations exempting dwellings intended for human occupancy with fire sprinkler systems from the provisions of this section, if he or she determines that a smoke detector is not reasonably necessary for fire safety in the occupancy.”

The requirements were placed in IBC chapter 9 to facilitate enforcement by fire prevention staff. A reference from chapter 34 was added for consistency with IBC format

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